

STATE OF CALIFORNIA
~~THE RESOURCES AGENCY~~
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

PERMIT 10705

LICENSE 10495

APPLICATION 14963

ORDER ALLOWING CHANGE IN PLACE OF USE
AND MODIFICATION OF LICENSE TERMS

WHEREAS:

1. License 10495 was issued to Sacramento Municipal Utility District and was recorded with the County Recorder of El Dorado County on July 3, 1975 in Book 1331, Page 789.
2. An order allowing correction of License Term was granted on January 12, 1977 and has been recorded with the County Recorder of El Dorado County on January 18, 1977 in Book 1465, Page 70.
3. License 10495 was subsequently partly assigned to Pacific Gas and Electric Company.
4. A petition for change in place of use and modification of License Term has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license shall be as follows:
Union Valley Power Plant (SMUD) - Within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T12N, R14E, MDB&M
Jaybird Power Plant (SMUD) - Within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T11N, R13E, MDB&M
Camino Power Plant (SMUD) - Within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, T11N, R12E, MDB&M
White Rock Power Plant (SMUD) - Within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T11N, R11E, MDB&M
Slab Creek Power Plant (SMUD) - Within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, T11N, R11E, MDB&M
Chili Bar Power Plant (PG&E) - Within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T11N, R10E, MDB&M.
2. Subparagraph C on Page 2 of License 10495 relating to fish releases from Slab Creek Reservoir under said License 10495, be replaced by the following term:

The Licensee shall release through a near-streambed outlet of Slab Creek Dam the flows specified in the following schedule as measured by the existing U.S. Geological Survey gaging station located about one-eighth of a mile below the Slab Creek dam or at such new location as may be determined pursuant to Article 7 of Form L-2 of FERC license 2101:

Forecast of the unimpaired runoff of the American River inflow to Folsom Lake for the current water year, October 1 through September 30, in acre-feet, 1/

Minimum instantaneous release to South Fork from Slab Creek Dam in cubic feet per second

	June thru November 15	November 16 thru May 31
More than 2,000,000	36	36
Less than 2,000,000 but not less than 1,500,000	36	36
Less than 1,500,000 but not less than 1,000,000	36	10
Less than 1,000,000	36	10

1/ As presented in the Bulletin of the California Department of Water Resources, "Water Conditions in California," beginning with the March 1 bulletin and applying in turn the April 1 and May 1 bulletins as they are issued. The May 1 bulletin shall apply until March 1 bulletin of the succeeding year is issued.

3. This license is subject to the agreement dated July 15, 1982 between Licensee and the State Department of Boating and Waterways, to the extent such agreement covers matters within the Board's jurisdiction.

Dated: AUGUST 31 1983

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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R10495

4-25-79 Partial asgmt to PG & E

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 14963

PERMIT 10705

LICENSE 10495

ORDER ALLOWING CORRECTION AND DELETION OF LICENSE TERMS

WHEREAS,

1. Requirements for minimum streamflow to maintain fish-life were modified by the Federal Power Commission in accordance with an agreement between the licensee and the State Department of Fish and Game; and

2. A term requiring construction of an afterbay below White Rock Powerhouse became unnecessary because of the construction of the Chili Bar Powerhouse and forebay.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Subparagraph C on page ③² of License 10495 relating to fish releases from Slab Creek Reservoir under said License 10495, be replaced by the following term:

THE LICENSEE SHALL RELEASE THROUGH A NEAR STREAMBED OUTLET OF SLAB CREEK DAM THE FLOWS SPECIFIED IN THE FOLLOWING SCHEDULE AS MEASURED AT THE EXISTING U. S. GEOLOGICAL SURVEY GAGING STATION LOCATED ABOUT 1/8 OF A MILE BELOW THE SLAB CREEK DAMSITE OR AT SUCH LOCATION AS MAY BE DETERMINED PURSUANT TO ARTICLE 7 OF FORM L-2 OF FPC LICENSE 2101.

Forecast of the unimpaired runoff of the American River, inflow to Folsom, for the current water year October 1 through September 30, in acre-feet. 1/

Minimum instantaneous release to South Fork from Slab Creek Dam in cubic feet per second.

	April thru June	July thru October	November thru March
A. More than 2,000,000	75	35	20
B. Less than 2,000,000 but not less than 1,500,000	60	30	15
C. Less than 1,500,000	25	25	15

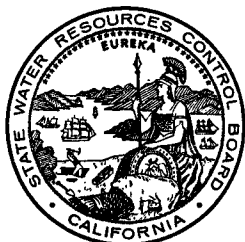
1/ As presented in the bulletin of the California Department of Water Resources' Water Conditions in California beginning with the March 1 bulletin and applying in turn the April 1 and May 1 bulletins as they are issued. The May 1 bulletin shall apply until the March 1 bulletin of the succeeding year is issued.

2. Subparagraph D on page 4 of License 10495 relating to construction of an afterbay below White Rock Powerhouse be deleted.

Dated: JANUARY 12 1977

R. L. Rosenberger

R. L. Rosenberger, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 14963

PERMIT 10705

LICENSE 10495

THIS IS TO CERTIFY, That

SACRAMENTO MUNICIPAL UTILITY DISTRICT
P. O. BOX 15830, SACRAMENTO, CALIFORNIA 95813

HAS made proof as of OCTOBER 16, 1970 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
(1) SILVER CREEK AND (2) SOUTH FORK AMERICAN RIVER IN EL DORADO COUNTY

tributary to (1) SOUTH FORK AMERICAN RIVER AND (2) AMERICAN RIVER

for the purpose of POWER USE
under Permit 10705 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from AUGUST 12, 1952 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed ONE THOUSAND TWO HUNDRED (1,200) CUBIC FEET PER SECOND, TO
BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR AS FOLLOWS:

SOUTH FORK AMERICAN RIVER - 800 CUBIC FEET PER SECOND
SILVER CREEK - 400 CUBIC FEET PER SECOND

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SILVER CREEK - UNION VALLEY DAM - NORTH 12°28'13" EAST 712.79 FEET FROM SW CORNER
OF SECTION 20, T12N, R14E, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 20.

THE POINTS OF DIVERSION AND REDIVERSION OF SUCH WATER ARE LOCATED:

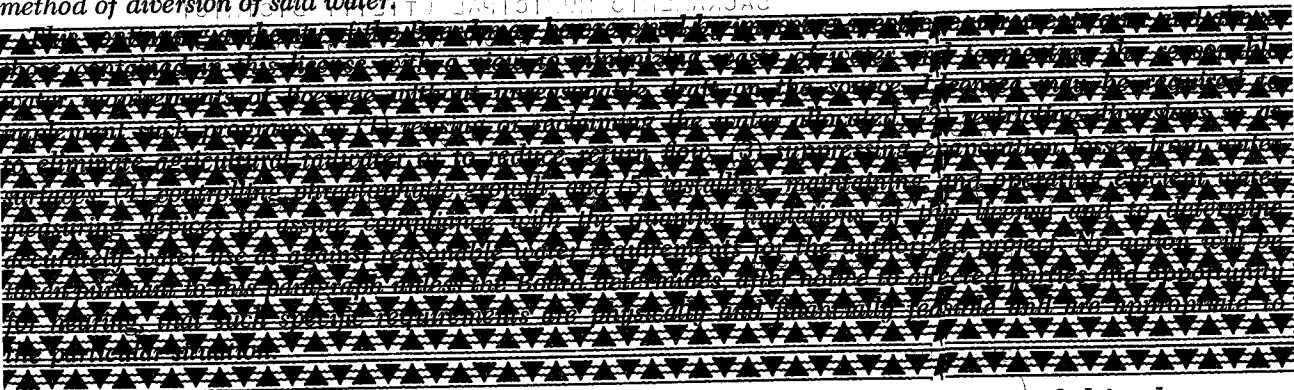
SILVER CREEK - JUNCTION DAM - NORTH 47°16'41" EAST 1,986.05 FEET FROM SW CORNER OF
SECTION 30, T12N, R14E, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 30,
SILVER CREEK - CAMINO DAM - SOUTH 12°38'03" EAST 2,856.36 FEET FROM NW CORNER OF
SECTION 4, T11N, R13E, MDB&M, BEING WITHIN LOT 9 OF SAID SECTION 4,
SOUTH FORK AMERICAN RIVER - SLAB CREEK DAM - NORTH 35°39'55" EAST 3,622.27 FEET
FROM SW CORNER OF SECTION 25, T11N, R11E, MDB&M, BEING WITHIN SE1/4 OF NW1/4 OF
SAID SECTION 25 AND
SOUTH FORK AMERICAN RIVER - CHILI BAR DAM - NORTH 52°36'08" EAST 3,163.80 FEET
FROM SW CORNER OF SECTION 25, T11N, R10E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF
SAID SECTION 25.

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED AS FOLLOWS:

BRUSH CREEK - NORTH 35°00' WEST 2,450 FEET FROM SE CORNER OF SECTION 10, T11N, R12E,
MDB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 10.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.



Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUL 1 1975

STATE WATER RESOURCES CONTROL BOARD

R. J. Roualeux
Chief, Division of Water Rights

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A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

UNION VALLEY POWER PLANT - WITHIN SW1/4 OF SW1/4 OF SECTION 20, T12N, R14E, MDB&M.
JAYBIRD POWER PLANT - WITHIN NE1/4 OF NW1/4 OF SECTION 4, T11N, R13E, MDB&M.
CAMINO POWER PLANT - WITHIN SW1/4 OF SE1/4 OF SECTION 15, T11N, R12E, MDB&M.
WHITE ROCK POWER PLANT - WITHIN NW1/4 OF NE1/4 OF SECTION 31, T11N, R11E, MDB&M.
CHILI BAR POWER PLANT - WITHIN NE1/4 OF SW1/4 OF SECTION 25, T11N, R10E, MDB&M.

LICENSEE SHALL MAINTAIN THE FOLLOWING MINIMUM STREAM FLOWS IN THE INTEREST OF
FISH LIFE:

- A. IN SILVER CREEK BETWEEN UNION VALLEY DAM AND JUNCTION RESERVOIR, NO
MINIMUM FLOW REQUIRED.
- B. IN SILVER CREEK BELOW JUNCTION DAM (JAYBIRD POWERHOUSE INTAKE DAM) AND
BELOW CAMINO INTAKE DAM;
- (1) FOR THOSE YEARS THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT OF
WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT
FAIR OAKS IS 2,000,000 ACRE-FEET OR GREATER; 20 C. F. S. DURING THE
PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE, AND 10 C. F. S. DURING THE
PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
- (2) FOR THOSE YEARS THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT OF
WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT FAIR
OAKS IS 1,500,000 ACRE-FEET OR GREATER, BUT LESS THAN 2,000,000 ACRE-
FEET; 15 C.F.S. DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE, AND
8 C.F.S. DURING THE PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
- (3) FOR THOSE YEARS WHEN THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT
OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT
FAIR OAKS IS GREATER THAN 1,000,000 ACRE-FEET, BUT LESS THAN 1,500,000
ACRE-FEET; 10 C.F.S. DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE,
AND 6 C.F.S. DURING THE PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
- (4) FOR THOSE YEARS WHEN THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT
OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT
FAIR OAKS IS LESS THAN 1,000,000 ACRE-FEET; 5 C.F.S. DURING THE FOLLOWING
PERIOD OF MAY 1 TO APRIL 30, INCLUSIVE.

PROVIDED THAT ALL STREAMFLOWS SPECIFIED ABOVE SHALL BE MEASURED AT A POINT
NOT TO EXCEED ONE-FOURTH MILE BELOW THE INDICATED PROJECT STRUCTURE.

- C. PROVIDED FURTHER THAT THE LICENSEE SHALL RELEASE FROM ITS SLAB CREEK
RESERVOIR SUFFICIENT WATER TO MAINTAIN A FLOW OF AT LEAST 30 C.F.S. (IN
ADDITION TO THE RELEASES FROM NEW CHUTE CAMP DIVERSION DAM MADE BY PACIFIC
GAS AND ELECTRIC COMPANY UNDER ARTICLE 27 (A) OF ITS F.P.C. LICENSE FOR
PROJECT NO. 78) AS MEASURED AT THE EXISTING GAGING STATION APPROXIMATELY
ONE MILE DOWNSTREAM FROM NEW CHUTE CAMP DIVERSION DAM AT ALL TIMES WHEN
SUCH WATER WOULD HAVE BEEN AVAILABLE UNDER PRE-PROJECT CONDITIONS IN EXCESS
OF THE PACIFIC GAS AND ELECTRIC COMPANY'S DIVERSION RIGHTS AT NEW CHUTE
CAMP DIVERSION DAM; PROVIDED, HOWEVER, THAT LICENSEE SHALL NOT BE REQUIRED
TO MAKE SUCH RELEASES OUT OF WATER WHICH IT HAS ITSELF STORED OR IMPORTED
FROM ANOTHER WATERSHED, AND PROVIDED FURTHER THAT IN DRY YEARS THE FIGURE
"15 C.F.S." SHALL BE DEEMED SUBSTITUTED FOR THE FIGURE "30 C.F.S." IN THE
FOREGOING CLAUSE. A DRY YEAR, WITHIN THE MEANING OF THIS PARAGRAPH, IS ONE
IN WHICH THE CURRENT WATER YEAR UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT
FAIR OAKS, CALIFORNIA, AS ESTIMATED BY THE STATE OF CALIFORNIA ON MAY 1,
WILL BE 1,500,000 ACRE-FEET, OR LESS. THE DRY YEAR SCHEDULE SHALL APPLY
OVER THE TWELVE-MONTH PERIOD COMMENCING ON JUNE 1, THEREAFTER.

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D. PROVIDED FURTHER THAT THE LICENSEE SHALL CONSTRUCT BELOW ITS WHITE ROCK POWERHOUSE AN AFTERBAY DAM PROVIDING A STORAGE CAPACITY OF NOT LESS THAN 400 A.F. AND, TO THE EXTENT PERMITTED UNDER ITS F.P.C. LICENSE, WILL SCHEDULE RELEASES FROM THAT AFTERBAY DAM IN WHATEVER MANNER IS MOST AGREEABLE TO STATE AND FEDERAL AGENCIES HAVING THE RESPONSIBILITY FOR THE CONSERVATION OF FISH LIFE AND OTHER RECREATIONAL VALUES.

LICENSEE SHALL MAINTAIN, BY RELEASE THROUGH A NEAR STREAMBED OUTLET OF BRUSH CREEK DAM, THE FOLLOWING SCHEDULE OF FLOWS: SAID FLOWS TO BE DETERMINED BY A STAFF GAGE, SAID GAGE TO BE LOCATED NOT MORE THAN 1/4 MILE BELOW BRUSH CREEK DAM. WHEN THE FORECAST OF THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER, INFLOW TO FOLSOM, FOR THE CURRENT WATER YEAR, OCTOBER 1 THROUGH SEPTEMBER 30, IS MORE THAN 1,500,000 ACRE-FEET. MINIMUM INSTANTANEOUS RELEASE FROM BRUSH CREEK DAM SHALL BE 6 CUBIC FEET PER SECOND FROM NOVEMBER 1 THROUGH MAY 31 AND 3 CUBIC FEET PER SECOND FROM JUNE 1 THROUGH OCTOBER 31.

WHEN THE FORECAST OF THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER, INFLOW TO FOLSOM, FOR THE CURRENT WATER YEAR, OCTOBER 1 THROUGH SEPTEMBER 30, IS LESS THAN 1,500,000 ACRE-FEET. MINIMUM INSTANTANEOUS RELEASE FROM BRUSH CREEK DAM SHALL BE 4 CUBIC FEET PER SECOND FROM NOVEMBER 1 THROUGH MAY 31 AND 2 CUBIC FEET PER SECOND FROM JUNE 1 THROUGH OCTOBER 31.

PROVIDED THAT THE STATED MINIMUM RELEASES MAY BE REDUCED TO EQUAL THE NATURAL FLOW IMMEDIATELY ABOVE BRUSH CREEK RESERVOIR IF SUCH FLOW IS LESS THAN THE AMOUNTS SPECIFIED.

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TO THE COURT AND TO THE PEOPLE OF THE STATE OF NEW YORK
AND TO THE PEOPLE OF THE STATE OF NEW YORK
I, THE SHERIFF OF THE COUNTY OF NEW YORK,
DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE
AND CORRECT COPY OF THE RECORDS OF THE
COURT OF THE COUNTY OF NEW YORK, IN THE
CASE OF THE PEOPLE OF THE STATE OF NEW YORK
VERSUS THE PEOPLE OF THE STATE OF NEW YORK,
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
AND FIFTY TWO.

AND I, THE SHERIFF OF THE COUNTY OF NEW YORK,
DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE
AND CORRECT COPY OF THE RECORDS OF THE
COURT OF THE COUNTY OF NEW YORK, IN THE
CASE OF THE PEOPLE OF THE STATE OF NEW YORK
VERSUS THE PEOPLE OF THE STATE OF NEW YORK,
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
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VERSUS THE PEOPLE OF THE STATE OF NEW YORK,
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
AND FIFTY TWO.